

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

STACY BROWN, on behalf of herself and
others similarly situated,

Plaintiff,

v.

**UNIVERSAL PROTECTION SERVICE,
LLC,**

Defendant.

) CASE NO.: 3:21-cv-801-JRK

) JUDGE: HON. JAMES R. KNEPP II

**ORDER GRANTING JOINT MOTION FOR FLSA SETTLEMENT APPROVAL AND
DISMISSAL OF ALL CLAIMS WITH PREJUDICE**

The Parties filed a Joint Motion for Approval of FLSA Settlement and Entry of Order of Dismissal of All Claims with Prejudice on November 30, 2021.

This action involves various claims and allegations asserted by Plaintiff Stacy Brown ("Plaintiff") against Defendant Universal Protection Service, LLC d/b/a Allied Universal Security Services ("Defendant"). Plaintiff alleges violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 *et seq.*, Ohio Revised Code ("O.R.C.") §§ 2307.60, 4111.03, 4111.08, and 4113.15, and the Ohio Prompt Pay Act ("OPPA"), for which she seeks monetary relief. Defendant denies any liability.

After engaging in protracted arms-length negotiations, the Parties have reached a settlement of the individual claims asserted in the action, including the FLSA claims, and agreed that the class and collective claims should be dismissed. The Parties have submitted the Settlement Agreement and Release of Claims, along with a Joint Motion for approval of the

settlement. Based on the submissions of counsel and the entire record in this matter, this Court is of the opinion the Joint Motion is well taken and should be granted, and the Settlement Agreement is approved.

Further, the attorneys' fees component of the Settlement Agreement and Release is likewise reasonable, given the status of the proceeding, the value of the services provided, and the benefit rendered to Plaintiff. It is likewise appropriate in amount and proportion (33%) to the total settlement amount. The percentage-of-the-fund method is the "preferred method for common fund cases, where there is a single pool of money, and each class member is entitled to a share." *Lonardo v. Travelers Indemnity Co.*, 706 F. Supp. 2d 766, 790 (N.D. Ohio 2010). As the court noted in *Osman v. Grube, Inc.*, No. 3:16-cv-00802-JJH, 2018 U.S. Dist. LEXIS 78222, at *6-7 (N.D. Ohio May 4, 2018), fees at one-third of the common fund approved by the percentage-of-the-fund method constitute the reasonable and customary fee in this district.

The settlement is hereby approved on the terms and conditions set forth in the Settlement Agreement and Release of Claims attached to the Parties' Joint Motion. The entire matter, including all claims, is therefore dismissed, with prejudice, with each party to bear its own costs, with this Court retaining jurisdiction to enforce the terms of the settlement, if needed.

IT IS SO ORDERED.

Dated: 12/1/2021

s/ James R. Knepp II, U.S. District Judge

HON. JAMES R. KNEPP II
DISTRICT COURT JUDGE